



General Assembly

**Substitute Bill No. 691**

*January Session, 2003*

**AN ACT CONCERNING NOTICE OF ZONING DECISIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (f) of section 8-3 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2003*):

4 (f) No building permit or certificate of occupancy shall be issued for  
5 a building, use or structure subject to the zoning regulations of a  
6 municipality without certification in writing by the official charged  
7 with the enforcement of such regulations that such building, use or  
8 structure is in conformity with such regulations or is a valid  
9 nonconforming use under such regulations. Such official charged with  
10 the enforcement of the zoning regulations shall inform the applicant  
11 for any such certification that such applicant shall provide notice of  
12 such certification by either (1) publication in a newspaper having  
13 substantial circulation in such municipality stating that the certification  
14 has been issued, or (2) any other method provided for by local  
15 ordinance. Any such notice shall contain (A) a description of the  
16 building, use or structure, (B) the location of the building, (C) the  
17 identity of the applicant, and (D) a statement that an aggrieved person  
18 may appeal to the zoning board of appeals in accordance with the  
19 provisions of section 8-7, as amended by this act.

20 Sec. 2. Section 8-7 of the general statutes is repealed and the

21 following is substituted in lieu thereof (*Effective October 1, 2003*):

22 The concurring vote of four members of the zoning board of appeals  
23 shall be necessary to reverse any order, requirement or decision of the  
24 official charged with the enforcement of the zoning regulations or to  
25 decide in favor of the applicant any matter upon which it is required to  
26 pass under any bylaw, ordinance, rule or regulation or to vary the  
27 application of the zoning bylaw, ordinance, rule or regulation. An  
28 appeal may be taken to the zoning board of appeals by any person  
29 aggrieved or by any officer, department, board or bureau of any  
30 municipality aggrieved and shall be taken within such time as is  
31 prescribed by a rule adopted by said board, or, if no such rule is  
32 adopted by the board, within thirty days, by filing with the zoning  
33 commission or the officer from whom the appeal has been taken and  
34 with said board a notice of appeal specifying the grounds thereof. Such  
35 appeal period shall commence for an aggrieved person (1) upon  
36 receipt of the order, requirement, or decision from which such person  
37 may appeal, (2) upon the publication of a notice in accordance with  
38 subsection (f) of section 8-3, as amended by this act or (3) upon actual  
39 or constructive notice of such order, requirement or decision. The  
40 officer from whom the appeal has been taken shall forthwith transmit  
41 to said board all the papers constituting the record upon which the  
42 action appealed from was taken. An appeal shall not stay any such  
43 order, requirement or decision which prohibits further construction or  
44 expansion of a use in violation of such zoning regulations except to  
45 such extent that the board grants a stay thereof. An appeal from any  
46 other order, requirement or decision shall stay all proceedings in the  
47 action appealed from unless the zoning commission or the officer from  
48 whom the appeal has been taken certifies to the zoning board of  
49 appeals after the notice of appeal has been filed that by reason of facts  
50 stated in the certificate a stay would cause imminent peril to life or  
51 property, in which case proceedings shall not be stayed, except by a  
52 restraining order which may be granted by a court of record on  
53 application, on notice to the zoning commission or the officer from  
54 whom the appeal has been taken and on due cause shown. Such board

55 shall, within the period of time permitted under section 8-7d, hear  
56 such appeal and give due notice thereof to the parties. Notice of the  
57 time and place of such hearing shall be published in a newspaper  
58 having a substantial circulation in such municipality at least twice at  
59 intervals of not less than two days, the first not more than fifteen days,  
60 nor less than ten days, and the last not less than two days before such  
61 hearing. In addition to such notice, such board may, by regulation,  
62 provide for notice by mail to persons who are owners of land which is  
63 adjacent to the land which is the subject of the hearing. At such  
64 hearing any party may appear in person and may be represented by  
65 agent or by attorney. Such board may reverse or affirm wholly or  
66 partly or may modify any order, requirement or decision appealed  
67 from and shall make such order, requirement or decision as in its  
68 opinion should be made in the premises and shall have all the powers  
69 of the officer from whom the appeal has been taken but only in  
70 accordance with the provisions of this section. Whenever a zoning  
71 board of appeals grants or denies any special exception or variance in  
72 the zoning regulations applicable to any property or sustains or  
73 reverses wholly or partly any order, requirement or decision appealed  
74 from, it shall state upon its records the reason for its decision and the  
75 zoning bylaw, ordinance or regulation which is varied in its  
76 application or to which an exception is granted and, when a variance is  
77 granted, describe specifically the exceptional difficulty or unusual  
78 hardship on which its decision is based. Notice of the decision of the  
79 board shall be published in a newspaper having a substantial  
80 circulation in the municipality and addressed by certified mail to any  
81 person who appeals to the board, by its secretary or clerk, under his  
82 signature in any written, printed, typewritten or stamped form, within  
83 fifteen days after such decision has been rendered. In any case in  
84 which such notice is not published within such fifteen-day period, the  
85 person who requested or applied for such special exception or variance  
86 or took such appeal may provide for the publication of such notice  
87 within ten days thereafter. Such exception or variance shall become  
88 effective upon the filing of a copy thereof [(1)] (A) in the office of the  
89 town, city or borough clerk, as the case may be, but, in the case of a

90 district, in the offices of both the district clerk and the town clerk of the  
91 town in which such district is located, and [(2)] (B) in the land records  
92 of the town in which the affected premises are located, in accordance  
93 with the provisions of section 8-3d.

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| This act shall take effect as follows: |                        |
| Section 1                              | <i>October 1, 2003</i> |
| Sec. 2                                 | <i>October 1, 2003</i> |

***Statement of Legislative Commissioners:***

Sections 1 and 2 were rewritten for clarity.

***PD***        *Joint Favorable Subst.*